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Dallas Buyers Club, LLC

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

Dallas Buyers Club, LLC,

Plaintiff,

VS.

DOES 1 THROUGH 20.

Defendants.

) **Case No. 1:14-cv-330-ACK-RLP**
) (Copyright)

) STATEMENT RE DEFICIENCY
) NOTICE AND ORDER
) REGARDING SERVICE ON
) DEFENDANTS DATED
) FEBRUARY 2, 2105

**STATEMENT RE DEFICIENCY NOTICE AND ORDER REGARDING
SERVICE ON DEFENDANTS DATED FEBRUARY 2, 2105**

On February 2, 2015, this Court issued a Deficiency Notice and Order Regarding Service on Defendants ordering Plaintiff to serve or show good cause for

the failure to service Defendants in this matter. Plaintiff intends to dismiss this case, but did want to provide the Court with an explanation as to why the Defendants were not served.

As was set forth in prior submissions to this Court, This action seeks to address the infringement of Plaintiff's copyrighted movie entitled "Dallas Buyers Club". Specifically, the Complaint alleges that anonymous individuals banded together into "swarms" using file-sharing technology (i.e., BitTorrent) to illegally obtain and distribute high quality copies of the Movie. Defendants' actual identities may only be obtained from the non-party Internet Service Providers ("ISPs") to which Defendants subscribe and from which Defendants obtain Internet access. Accordingly, on August 9, 2014, Plaintiff filed a motion for leave of Court to serve limited discovery prior to a Rule 26(f) conference on the non-party ISPs solely to determine the true identities of the Doe Defendants. Plaintiff identified Time Warner and Hawaiian Telcom as the Defendants' ISPs. The large majority of the Doe Defendants were Time Warner customers.

Plaintiff served the subpoenas and received a response from Hawaiian Telcom identifying the subscribers of the ISPs set forth in the subpoena. However, Time Warner objected and refused to provide any of its customers' identities.

Of the Hawaiian Telcom customers that were identified, several were not

individuals but rather companies or organizations. Of the individuals that were identified by Hawaiian Telcom in this and a related lawsuit, Plaintiff was able to achieve settlements with all but one Doe Defendant.

After numerous conversations and communications with Time Warner's counsel, Plaintiff has determined that it will dismiss this suit rather than spend its resources on a discovery dispute.

DATED: Honolulu, Hawaii, February 17, 2015.

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/s/ Gregory A. Ferren
Gregory A. Ferren

Attorney for Plaintiff
Dallas Buyers Club, LLC